



CITY COUNCIL

Committee of the Whole

Tuesday, January 16, 2024

5:00 pm

Hybrid Meeting

Agenda

The City Council Committee of the Whole meetings are filmed and can be viewed LIVE while the meeting is taking place via the attached Zoom link, dial-in phone number, on Facebook and on BCTV MAC Channel 99.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://readingpa.zoom.us/j/88960085890?pwd=SrjGrIuwIwts2a0cNx6zL3YWc3Rmacd.1>

Passcode: 127781

Or join by phone: 1 309 205 3325

Webinar ID: 889 6008 5890

Passcode: 127781

I. College Manor Pool Capital Needs

5:00 - 5:30 pm

II. Reorganization

5:30 - 5:50 pm

1. City Clerk Appointment
2. BCTV Agreement *Attached Pg 3*

III. Property Maintenance & QoL, HARB, Zoning and Building/Trades Enforcement (attached) 5:50-6:30 pm

IV. Review of Ordinances Introduced and/or Tabled

Bill 2-2024 – amending the City Code Section 212-120 Public Works and Recreation Fee Schedule as highlighted in the draft ordinance ***Introduced at the December 18, 2023 regular meeting; Tabled at the January 8th meeting***

A. Ordinance – amending City Code Chapter 295 Historical and Conservation Districts to correct the language as approved by the HARB on October 17, 2023. The terms “Detached manufactured carports” and “Detached manufactured sheds” were approved to be included in the amendment of the above referenced section of the Ordinance to clarify that the installation of detached premanufactured carports and sheds do not require a COA. However, it is required that custom built structures and all structures proposed to be attached to a main structure be reviewed and approved by the HARB ***Introduced at the December 18, 2023 regular meeting; Reintroduction required due to amendment***

B. Ordinance – authorizing the execution of a sales agreement in form and content Satisfactory to City Council to sell the tracts or parcels of land owned by the City consisting of approximately 1.21 acres commonly known as 431 Penn Street, 437 Penn Street, and 443 Penn Street, to Philly Office Retail (including its corporate assignee or nominee).

C. Ordinance – setting the salary of the Public Works Director at \$118,000 per annum in accordance with the Salary Range Ordinance in the Personnel Code.

V. Adjourn

BCTV Producer Agreement

Name (please print): _____

Address: _____

Phone: _____ Email: _____

Program Title: _____

In signing below, I state that all material I will submit for telecasting, streaming and archiving on BCTV cable and internet platforms will adhere to the MAC Channel Guidelines, and acknowledge that a copy of these guidelines has been given to me.

In the event that a potential content guideline violation is identified as such by the MAC Committee, the Access Channel Manager reserves the right to cease cablecasting, and/or not re-air programs cited for violations and replace those programs with other content. Ceasing cablecasting will include removal of the offending program from cable and digital channels, including but not limited to public access channel, government access channel, and bctv.org. Programs considered to be in violation of content guidelines will be reviewed by the MAC Committee, and the Committee will determine whether the infraction warrants removal of program from platforms. The producer will receive a written notice concerning the determination within 10 days of the Committee meeting. Additional infractions may result in the suspension of program privileges. The suspension of program privileges may be sustained or modified at the Committee's discretion. If the MAC Committee determines that removal of the program is not warranted, the program will return to regular replay and platform availability.

I have read and understand the guidelines and will comply.

Date: _____ Name (signature): _____

This signature page will remain on file with the Access Channel Manager

Property Maintenance Code

SECTION 106 VIOLATIONS

[A] 106.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 106.2 Notice of violation.

The code official shall serve a notice of violation or order in accordance with Section 107.

[A] 106.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 106.4 Violation penalties.

Any person who shall violate a provision of this code shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$75 and not exceeding \$500 for the first two continual and uncorrected violations of the same subsection on the same property and not less than \$150 nor more than \$1,000 for the third and subsequent continual and uncorrected violation of the same subsection of the code on the same property, plus costs and restitution, or in default of payment, may be sentenced to imprisonment for a term not to exceed 90 days. Each section of this code that is violated shall constitute a separate offense punishable by a separate fine as set forth herein. Each day that a violation continues after due notice has been served shall be deemed a separate offense punishable by a separate fine as set forth herein.

106.4.1 Neighborhood mitigation penalty.

In addition to the foregoing fines, fees, penalties and/or restitution in PM 106.4, upon conviction of any violation of a provision of this code, an additional Neighborhood Mitigation Penalty (NMP) shall be levied in the amount of \$50. All such NMPs levied and collected by any division of the unified judicial system existing under Section 1 of Article V of the Pennsylvania Constitution and 42 Pa.C.S.A. § 301, shall be remitted to the City of Reading for deposit into the Neighborhood Mitigation Fund for the purpose of funding mitigation exercises performed by the City on private properties, including but not limited to demolitions, cleanups, light repairs, abandoned vehicle towing, removal of trash and/or cutting of grass and weeds, etc. If any fine is paid on installments, the proportionate amount of the NMP shall be remitted on each installment.

[A] 106.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a Violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

106.6 Extensions.

Upon application, an extension of time beyond that given on the correction order to bring the violations set forth on the inspection into compliance with this code may be granted for a reasonable cause. An application for extension shall include:

- (a) Name, address and phone number of applicant;
- (b) Address of property referenced on correction order; and
- (c) Violation(s) referenced on correction order for which an extension is being requested.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall comply with Section 108.3.

EXCEPTIONS:

1. **Open and unsecure.** Notice is not required whenever a property is open and unsecure and the code official has determined that the property shall be secured. The code official may order the structure secured.
2. **Administrative fee.** Whenever an administrative fee is due under this code, the bill therefor shall be the notice.
3. **Transfer of property.** Notice shall not be required for violation of Section 107.5.

[A] 107.2 Form.

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner or owner's authorized agent of the right to appeal in accordance with Section 111.1.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is: delivered personally, or sent by certified or first-class mail addressed to the last known address. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

107.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. Failure to comply with this section constitutes an offense of this code punishable as set forth in Section 106.4.

Property Maintenance - Quality of Life (QoL)

§ 180-1204. Authority for issuance of violation ticket.

Upon finding a quality of life violation, any City of Reading Property Maintenance Inspector appointed by the Property Maintenance/Codes Administrator of the City of Reading may issue quality-of-life violation tickets to the owner and/or occupant of the property at issue or to the individual known to have violated this Part.

§ 180-1205. Enforcement.

A. The provisions of this Part shall be enforced by police officers, or any other public officer authorized to enforce ordinances.

B. Any violation of the provisions of this Part may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

§ 180-1206. Service.

A violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/ her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

§ 180-1207. Separate offense.

Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

§ 180-1208. Regulations.

The Property Maintenance/Codes Administrator is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Part.

§ 180-1209. Abatement of violation.

[Amended 1-25-2021 by Ord. No. 7-2021]

A. Any person or business violating this Part is hereby directed to satisfy the City of Reading and its citizens, upon issuance of a quality of life ticket, by correcting the violation in question.

B. The City reserves the right to abate the violation if it has not been corrected within 24 hours from the time the violation was issued. The City further reserves the right to abate the violation immediately if the violation poses an imminent risk to public health and safety. The City may abate the violation itself or utilize a contractor and will provide an invoice for abatement, including both direct and indirect costs and any expenses incurred, and the cost thereof may be charged to the owner of the property or offending party. The invoice will be paid separate from and in addition to the quality of life ticket.

C. If the City abates the violation directly, it will perform abatement work at a maximum rate of \$60 per hour per man and forward the cost of any materials or services necessary for the abatement. The City reserves the right to charge an additional 20% on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

D. If the City assigns a contractor to perform abatement, the contractor will submit an invoice for said work to the City and the City will forward these costs to the violator. The City reserves the right to add a processing fee up to 30% to the amount billed by the contractor.

§ 180-1210. Violations and penalties.

[Amended 9-12-2011 by Ord. No. 39A-2011; 11-28-2011 by Ord. No. 56-2011; 4-23-2012 by Ord. No. 38-2012; 1-25-2021 by Ord. No. 7-2021]

A. Violation ticket fines.

(1) For the first of a violation of this Part within a twelve-month period, violation tickets shall be issued in the amounts of \$25 or \$50 as set forth on the chart below.

(2) For the second offense of a violation of this Part within a twelve-month period, violation tickets shall be issued in the amounts of \$50 or \$100 as set forth on the chart below.

(3) For the third and subsequent offense of a violation of this Part within a twelve-month period, violation tickets shall be issued in the amounts of \$100 or \$250 as set forth on the chart below.

(4) Any person who receives a violation ticket for any violation of this Part may, within 15 days, admit the violation, waive a hearing and pay the fine in full satisfaction.

(5) Any person violating this Part shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the clean up and abatement of the violation.

B. Violation ticket penalties.

(1) If the person in receipt of a \$25 violation ticket does not pay the fine or request a hearing within 15 days, the person will be subject to a \$10 penalty for days 16 through 30.

(2) If the person in receipt of a \$50 violation ticket does not pay the fine or request a hearing within 15 days, the person will be subject to a \$25 penalty for days 16 through 30.

(3) If the person in receipt of a \$100 or higher violation ticket does not pay the fine or request a hearing within 10 days, the person will be subject to a \$50 penalty for days 16 through 30.

(4) Failure of the person to make payment or request a hearing within 30 days of a violation ticket shall make the person subject to a citation for failure to pay.

(5) If violations continuous or egregious, the code official has right to issue citation without first issuing ticket provided notice has been given. Upon issuance of four tickets for same violation, right is reserved for code official to issue citation for fifth and subsequent offenses.

C. Citation fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than \$100, not more than \$1,000 on each offense or imprisoned no more than 90 days, or both.

D. Restitution. The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.

§ 180-1211. Appeal.

[Amended 1-24-2011 by Ord. No. 2-2011; 4-23-2012 by Ord. No. 38-2012]

A. Administrative appeal.

(1) A person in receipt of a violation ticket may appeal to the Property Maintenance/ Codes Administrator by filing a request with the Property Maintenance Division in writing within 15 calendar days of date of the violation ticket.

(2) In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within 15 calendar days of the date that the quality-of-life ticket was issued:

(a) All paperwork, including the appropriate appeal form, for the appeal must be submitted and complete.

(b) Payment of the fine must be paid in full, which will be refunded within 30 calendar days should the alleged violator win the appeal.

(3) The appeal hearing will be held before the Property Maintenance/Codes Administrator or his/her designee. The Administrator or his/her designee may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she sees appropriate.

B. Subsequent appeals. Any subsequent appeal shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S.A. §§ 751 and 752.

Historical & Conservation Districts

§ 295-122. Notice and prosecution.

[Amended 10-25-2010 by Ord. No. 77-2010]

A. Notice. The Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer shall serve a notice of violation on the person in violation of this chapter or of a plan approved under the provisions of this chapter or in violation of a permit or certificate of appropriateness issued under the provisions of this chapter. Such notice shall direct the restraint, correction or abatement of such violation.

B. Prosecution. If the violation is not abated within the time specified in the notice of violation, the Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

§ 295-123. Violations and penalties.

Whoever violates the provisions of this chapter or fails to comply with any of the requirements thereof or conducts activities in violation of a permit issued under the provisions of this chapter or who, without having applied for and received an approved permit, conducts activities for which a permit is required under the terms of this chapter shall be guilty of a summary offense and fined not more than \$300 for each offense with costs. Each day that a violation continues shall be deemed a separate offense.

Zoning

§ 600-204. Enforcement notice.

A. If it appears to the Zoning Administrator that a violation of any provision of this chapter has occurred, an investigation shall occur. The Zoning Administrator shall then initiate enforcement proceedings against a violation by sending an enforcement notice as provided in this section. Prior to sending a formal enforcement notice, the Zoning Administrator may seek compliance in a less formal manner.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to a known occupant involved in a violation (if different from the owner), or to any person who has filed a written request to receive enforcement notices regarding that property.

C. An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person known by the Zoning Administrator to be involved in the violation.

(2) The location of the property in violation.

(3) The specific violation(s), with a description of the requirements that have not been met, citing in each instance the applicable provisions of this chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal in writing to the Zoning Hearing Board within 30 days of receipt of the notice.

D. Any person who authorizes or continues any work, use or occupancy in any structure, sign, land or premises after having been served with an enforcement notice, except such work as is directed by the City to be performed, shall be in violation of this chapter and subject to the remedies set forth in §§ [600-205](#) and 600-206 hereof.

E. Any person who has been served with an enforcement notice or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, building, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall, thereafter, be abated as permitted by statute, ordinance or law.

F. In any appeal of an enforcement notice to the Zoning Hearing Board, the City shall have the responsibility of presenting its evidence first.

G. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the City if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

§ 600-205. Causes of action. ³

In the event any structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this chapter, the City, through its designated staff, or any aggrieved owner or tenant of real property who can show that his or her property or person will be substantially affected by the alleged violation, may institute any appropriate legal, equitable or otherwise, action or proceeding to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Zoning Administrator with a copy of the complaint thereon at least 30 days prior to the time the action is begun. No such action may be maintained until such notice has been given.

3. Editor's Note: Amended during codification (see [Ch. 1](#), General Provisions, Part 2).

§ 600-206. Violations and penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not less than \$100, and not more than \$500, plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the City of Reading. This chapter does not authorize imprisonment.

International Building Code & PA Construction Code

§ 180-102. Municipal administration.

The Uniform Construction Code, contained in 34 Pa. Code. Chapters 401 through 405, as amended from time to time, and enacted under certain separate ordinances of the City of Reading, Pennsylvania, on or about April 5, 2004, is incorporated by reference as the City of Reading, Pennsylvania, Building Code.

§ 180-103. Administration and enforcement.

Administration and enforcement of the Building Code within the City of Reading, Pennsylvania, shall be undertaken in any of the following ways **as determined by the governing body of the City of Reading, Pennsylvania, from time to time by appropriate legislation:**

- A. By the designation of an employee of the City of Reading, Pennsylvania to serve as the municipal code official to act on the behalf of the City of Reading, Pennsylvania.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the City of Reading, Pennsylvania.
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Part through an intermunicipal agreement.
- D. By entering into a contract with another municipality for the administration and enforcement of this Part on behalf of the City of Reading, Pennsylvania.

E. By retention of a building code official certified as an accessibility specialist, to perform accessibility plan reviews and inspections pursuant to Chapter 11 of the International Building Code. **[Amended 9-12-2011 by Ord. No. 43-2011]**

§ 180-104. Establishment of Board of Appeals.

If at any time enforcement and administration is undertaken jointly with one or more other municipalities, any Board of Appeals shall be established by joint action of the participating municipalities.

PA UCC

Municipal Code Changes

Municipalities that have opted to enforce the UCC are permitted to make changes to the administrative provisions and the technical code requirements of the Uniform Construction Code (UCC).

Act 45 provides for three types of changes at the municipal level.

First, municipalities that elected to administer and enforce the UCC during the period April 9, 2004 through July 8, 2004 were allowed to retain provisions from previously enacted building code ordinances, as long as they satisfied certain conditions. The provisions had to equal or exceed those found in the UCC and they had to be found in a locally enacted building code ordinance that was in effect on July 1, 1999.

About 850 municipalities notified the Department of Labor & Industry (on their UCC Election Forms) that they carried over provisions satisfying the statutory requirements. However, since these changes were not subject to approval by the Department, it has no knowledge as to exactly what these changes may be. Thus, the web page entitled "Municipal Elections" merely indicates whether any enforcing jurisdiction reported that they have pre-July 1, 1999 amendments.

Second, section 403.102 (l) of the UCC regulation lists 16 sections (containing administrative requirements) of Chapter 403 that can be altered by enforcing municipalities, without obtaining Department approval. These changes must equal or exceed whatever requirements are found in the listed sections.

Third, enforcing jurisdictions can make changes to the technical requirements of the UCC, as long as they secure Department approval and satisfy requirements outlined in section 503(b)-(k) of Act 45 and section 403.102(i)-(k) of the UCC regulation. All changes must equal or exceed the requirements of the UCC.

Municipalities proposing UCC changes should mail a copy of their proposed ordinance, along with the information required in the UCC regulation in section 403.102 to:

UCC Administrator
Department of Labor & Industry
651 Boas Street, Room 1613
Harrisburg, PA 17121-0750